

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
FEBRUARY 9, 2011**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, Charles Lapp, Marc Pitman, Gene Shellerud, Jim Heim, Jeff Larsen and Bob Keenan. Frank DeKort had an excused absence. BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 5 people in the audience.

**APPROVAL OF  
MINUTES**

Heim made a motion, seconded by Hickey-AuClaire to approve the December 8, 2010 meeting minutes.

The motion passed by quorum.

**ELECTION OF  
NEW OFFICIALS**

Pitman nominated and Cross seconded Hickey-AuClaire for chair.

Heim motioned and Cross seconded to close nominations.

The motion passed unanimously.

Larsen nominated and Hickey-AuClaire seconded Lapp for vice chair.

Heim motioned and Cross seconded to close nominations.

The motion passed unanimously.

**PUBLIC  
COMMENT**  
*(not related to  
agenda items)*

None.

**LODGEPOLE  
INC**  
*(FZTA 10-05)*

A request by Lodgepole, Inc. for a Zoning Text Amendment to the Flathead County Zoning Regulations. The proposed amendment would add "Professional Offices" as a conditional use to section 3.14.030 (RC-1, Residential Cluster) of the zoning regulations.

**STAFF REPORT**

BJ Grieve reviewed Staff Report FZTA 10-05 for the Board.

**BOARD  
QUESTIONS**

Lapp and Grieve discussed what prompted the application, the process a person would have to go through and what stipulations they would have to meet to have a conditional use permit in this area under this text amendment.

Lapp, Keenan and Grieve discussed the rational for the various zones in the area.

Cross and Grieve discussed at length what was required from the applicant and the process for a conditional use permit.

**APPLICANT  
PRESENTATION**

Tom Hoover, attorney for the applicant, addressed the question of what triggered the application. He gave a brief history of the different types of tenants in the building Lodgepole, Inc. owned. The application was an effort to conform the use to what the area was actually being used for.

**BOARD  
QUESTIONS**

None.

**AGENCY  
COMMENTS**

None.

**PUBLIC  
COMMENT**

None.

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FZTA 10-05)**

Larsen made a motion seconded by Pitman to adopt staff report as findings-of-fact.

**BOARD  
DISCUSSION**

None.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZTA 10-05)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZTA 10-05)**

Larsen made a motion seconded by Shellerud to adopt Staff Report FZTA 10-05 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Grieve reminded the board of a suggestion to replace “Real Estate Offices” with “Professional Offices” in section 3.14.030.

**SECONDARY  
MOTION TO  
REPLACE  
“REAL ESTATE  
OFFICES” WITH  
“PROFESSIONAL  
OFFICES IN  
SECTION  
3.14.030**

Cross motioned and Heim seconded to recommend that instead of adding “Professional Offices” to the list, “Real Estate Offices” be replaced with “Professional Offices” in Section 3.14.030.

**ROLL CALL TO  
REPLACE  
“REAL ESTATE  
OFFICES” WITH  
“PROFESSIONAL  
OFFICES IN  
SECTION  
3.14.030**

On a roll call vote, the motion passed unanimously.

**BOARD  
DISCUSSION**

Lapp expressed a concern about future expansion of offices in the area and how it would affect the whole county. He was in favor of the application.

Heim said it was a good example of having an office and what happened if tenants change. If tenants change, then the people were in violation of the zoning code.

**ROLL CALL TO  
RECOMMEND  
APPROVAL OF  
(FZTA 10-05)**

On a roll call vote the motion passed unanimously.

**COMMITTEE  
REPORTS**

Cross reported Committee B had not met and did not have any scheduled meetings until they heard from Alex Hogle on Subdivision Regulations which needed changing.

Hickey-AuClaire said Committee A meetings had turned into the Growth Policy workshops, so they had not met since the last Growth Policy workshop.

**OLD BUSINESS**

Grieve reviewed the history of FZTA-10-02 Noonan et al and FZC-10-05 Noonan et al and where the files stood now. He said the

applicant would like the board to consider the original application with a handful of changes. He handed out the original application with the letter asking the board to consider the application with changes. He explained the handout and the options for moving forward with the files.

Lapp asked Marilyn Noonan, applicant, for clarification on the application.

Noonan gave a brief history of the meetings on the application to date and asked for feedback. She had tried to consolidate what she felt was discussed at the meetings in the letter.

Larsen thought he heard some concern about permitted uses in the application. He felt the board needed to move on the application. He didn't feel more meetings were necessary.

Cross asked for current agenda items for the next meeting. He thought they could add the item as an agenda item for the March meeting since the application hadn't changed.

Grieve said the board would have the time to review the appropriate information for the file before the next meeting.

The board and Grieve discussed what was on the agenda for March and what the options were.

Noonan wanted to comment the four additional items were to address concerns they felt the board voiced and it was an attempt to acknowledge them.

**MOTION TO  
PLACE THE  
CONTINUATION  
OF THE  
HEARING ON  
FZTA-10-02 ON  
THE AGENDA  
FOR THE FIRST  
MEETING IN  
MARCH**

Cross motioned and Larsen seconded to place the continuation of the hearing on FZTA-10-02 on the agenda for the first meeting in March.

**ROLL CALL  
VOTE MOTION  
TO PLACE THE  
CONTINUATION  
OF THE  
HEARING ON  
FZTA-10-02 ON  
THE AGENDA  
FOR THE FIRST  
MEETING IN  
MARCH**

On a roll call vote, the motion passed unanimously.

**NEW BUSINESS**

Grieve updated the board on the administrative fees which were up for review and asked for feedback. He read through the changes, explained the increases or decreases in fees and the reasons why. He said he had emailed the fee changes to the public and technical representatives for their feedback.

The board and Grieve discussed at length possible concerns and suggestions on the potential new fees which included a cap on larger project fees, amendments for an approved preliminary plat, requests for waivers of fees from other agencies, media distribution, and the process for public initiated zone changes. The discussion also involved fees for a new zoning districts, the differences between part one and part two zoning districts, fees being due at the time the application was submitted, adding a policy of interpreting fees and the limitation or elimination of after the fact fees.

They also discussed floodplain issues, the fact some fees went up and some went down, if there was a review fee through the planning office for 509, what the costs were to process files, the issues of refunding fees.

Paul McKenzie, wanted to reiterate what Grieve had spoken about on the per acre fee, and where they could become prohibitive.

The board, Grieve and McKenzie discussed having a cap on fees for large scale zoning, if there would be more or less contention with a privately initiated zoning versus public initiated, the intensity of use, and the possibility of capping the limit at \$15,000 on large scale zoning.

Grieve gave the board a history of how the restudy of the floodplain in Evergreen came to being, the procedure of the notification and how that would affect people living in the newly determined or changed floodplain area.

Pitman added his knowledge of the issue and the fact that many people who were in the 500 year floodplain would now be considered in the 100 year floodplain. He gave examples of how important it was people were to be notified especially concerning flood insurance.

Grieve and the board discussed the concerns with lenders and banks and how they determine who needs to buy floodplain insurance, the original subdivision which precipitated the whole re-examine of the Evergreen floodplain, and how the public would be noticed.

**ADJOURNMENT** The meeting was adjourned at approximately 7:45 pm. on a motion by Cross. The next meeting will be held at 6:00 p.m. on March 9, 2011.

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Marie Hickey-AuClaire, Chairman

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Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 3 / 9 / 11*